

1 I realize anything in interstate crime, the hands of
2 the law is bound somewhat, but right now under our present
3 procedure, it is not legal to wiretap for evidence, and
4 it would seem to me that if you are going to compromise,
5 that would be the next step, to include what the model
6 has. I think in any event, we do need a provision in
7 this modern age on this protection of our privacy.

8 THE CHAIRMAN: Mrs. Bothe.

9 MRS. BOTHE: I wondered if Mr. Sayre might
10 reconsider. Our present law does permit wiretapping
11 under the circumstances outlined in the model Penal Code,
12 where there is probable cause, oath and affirmation, and
13 judicial determination. In fact, the suggestion of the
14 model which, if we are going to adopt this at all, I think
15 is the only reasonable approach, that wiretapping, at
16 cetera, be put on the same basis as other searches and
17 seizures. Apparently you can ransack the man's house with
18 a warrant, but you don't even need one today to wire his
19 house, except the statute may allow it. Those of us who
20 read the papers in recent months notes an attention to
21 this problem of search and seizure by device. The